

REMARKS

Applicants are amending their claims, by correcting a typographical error in claim 27, and by adding new claims 58-69 to the application. All of the newly added claims are directed to a semiconductor integrated circuit device, with each of claims 62-69 being independent claims. Of these newly added claims, claims 58 and 62-69 read on the elected Species I set forth in Item 1 on page 2 of the Office Action mailed November 5, 2004, insofar as this Species I is understood as a separate species in light of the Examiner only referring to claims with respect to the various species in the Office Action mailed November 5, 2004.

It is respectfully submitted that of these newly added claims, claim 63 is generic to all of the species listed by the Examiner in the Office Action mailed November 5, 2004.

In connection with the present Supplementing Amendment, 37 CFR § 1.111(a)(2) is noted. However, it is respectfully submitted that this is not applicable to the present circumstances, which is supplemental to a reply to an election-of-species requirement. In this regard, note that 37 CFR § 1.111(a)(1) refers to 37 CFR § 1.104 and a first examination, including a thorough investigation of the prior art, and it is respectfully submitted that 37 CFR § 1.111(a) is directed to a reply (and Supplemental reply) to an Office Action on the merits. That 37 CFR § 1.111 is directed to replies to an Office Action on the merits is supported by 37 CFR § 1.111(b) referring to the “reply” with reference to grounds of objection and rejection in the prior Office Action. Thus, it is respectfully submitted that the supplemental reply referred to in 37 CFR § 1.111(a)(2) is a supplemental reply to an office action on the merits. Since the Office Action of November 5, 2004, was not on the merits, it

is respectfully submitted that 37 CFR § 1.111(a)(2) is not applicable to the present supplementing amendments.

In any event, it is respectfully requested that the present supplementing amendments be entered, notwithstanding 37 CFR § 1.111(a)(2), to further prosecution of the above-identified application at the earliest possible time, and present earliest as possible examination of claims submitted for consideration by the Examiner.

In view of all of the foregoing, entry of the present amendments and of the amendments in the Amendment filed December 6, 2004, and examination of at least the claims directed to the species of the first embodiment of Fig. 1, in the Office Action mailed July 20, 2004, and of the Species I set forth in the Office Action mailed November 5, 2004, (that is, claims 1-4, 58 and 62-69), in due course, are respectfully requested.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, LLP Deposit Account No. 01-2135 (Docket No. 501.36694CV4), and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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